

MINUTES
MICHIGAN STATE TRANSPORTATION COMMISSION MEETING
April 26, 2007
Lansing, Michigan

Meeting noticed in accordance with Open Meetings Act, Public Act 267 of 1976.

Present: Ted B. Wahby, Chair
 Linda Miller Atkinson, Vice Chair
 James S. Scalici, Commissioner
 James R. Rosendall, Commissioner

Also Present: Kirk Steudle, Director
 Larry Tibbits, Chief Operations Officer
 Leon Hank, Chief Administrative Officer
 Frank E. Kelley, Commission Advisor
 Marneta Griffin, Commission Executive Assistant
 Jerry Jones, Commission Auditor, Office of Commission Audit
 Patrick Isom, Attorney General's Office, Transportation Division
 John Friend, Bureau Director, Highway Delivery
 John Polasek, Bureau Director, Highway Development
 Susan Mortel, Bureau Director, Transportation Planning
 Myron Frierson, Bureau Director, Finance and Administration
 Bill Shreck, Director, Office of Communications
 Tim Hoeffner, Administrator, Intermodal Policy

Excused: Maureen Miller Brosnan, Commissioner

A list of those people who attended the meeting is attached to the official minutes.

Chair Wahby called the meeting to order at 9:00 a.m. in the Bureau of Aeronautics Auditorium in Lansing, Michigan.

Chair Wahby welcomed Representative Paul Opsommer, 93rd District (Clinton and Gratiot Counties) to the meeting.

Chair Wahby acknowledged that this is "Take Our Daughters and Sons to Work Day" and asked for anyone in the audience with their child to introduce them.

Mr. Keith Brown, MDOT Construction and Technology, introduced his daughter Rachel.

I. COMMISSION BUSINESS

Commission Minutes

Chair Wahby entertained a motion for approval of the minutes from the joint meeting between the Michigan Aeronautics Commission and the State Transportation Commission of March 29, 2007.

Moved by Commissioner Atkinson, with support from Commissioner Rosendall, to approve the minutes of the joint Commissions' meeting of March 29, 2007. Motion carried.

Chair Wahby entertained a motion for approval of the minutes from the regular State Transportation Commission meeting of March 29, 2007.

Moved by Commissioner Atkinson, with support from Commissioner Rosendall, to approve the minutes of the regular Commission meeting of March 29, 2007. Motion carried.

Chair Wahby entertained a motion for approval of the minutes from the State Transportation Commission workshop of March 29, 2007.

Moved by Commissioner Atkinson, with support from Commissioner Rosendall, to approve the minutes of the Commission workshop of March 29, 2007. Motion carried.

II. **APPOINTMENTS**

Chairman Wahby entertained a motion to approve the re-nomination of Commissioner Atkinson as the Vice-Chairperson to the State Transportation Commission. Moved by Commissioner Scalici, with support from Commissioner Rosendall. Motion carried on a unanimous voice vote.

III. **DIRECTOR'S REPORT – DIRECTOR KIRK STEUDLE**

Director Steudle's presentation focused on:

Give 'em a Brake Campaign

This year's Give 'em a Brake press conference will be held at 9:30 a.m. on Thursday, May 3 on the Michigan State Capitol west side steps. The goal of our campaign again this year is to raise awareness to help improve traffic flow in work zone areas – to save lives and educate the public (nationally 80% of fatalities in work zones are the motorist; in Michigan, this number is closer to 95%).

In 2006, MDOT changed its practice of setting speed limits in its work zones. Our guidelines require motorists to reduce their speed to 45 mph in any work zone where workers are present. If no workers are present, motorists should maintain the posted speed limit. This means that work zones will have two types of speed limit signs – the posted speed limit and a sign that says "Where Workers Present 45." As always, work zones will have additional signs regarding the approaching road work, such as: "Reduced Speed Zone Ahead," "Work Zone Begins," "End Road Work," and lane closure signs as applicable.

Since 2005 we have experienced an increase of speed compliance in work zones from 15% to 85% (in 2006). An increased compliance to appropriately set speeds gets the motorist efficiently through our work zones with minimal conflict with the workers, but more importantly a 20% reduction in work zone crashes and injuries statewide from 2005

to 2006.

Metro Bridge Update

The issue of concrete falling from a Metro bridge began this year with an incident on I-696 under Groesbeck Highway in the City of Roseville, in Macomb County. Several vehicles were damaged and a driver injured when a piece of concrete from the longitudinal construction joint spalled off and fell over traffic. We believe that the concrete spalled off here due to freeze-thaw effects, as water is more prevalent at the bridge joint. The bridge (constructed in 1973; 34 years old) was inspected in the summer of 2006, and there were no visible signs of this sort of spalling at that time.

Since that incident, we have received 19 more reports of falling concrete from bridges. Eleven of the remaining 19 (21 total including Groesbeck) showed no visual defects, nor evidence of spalling concrete. The remaining 8 locations showed some evidence of spalling, but did not result in any damage to persons or property. A number of these incidents were not reported directly to us or the police. Some of the reports were cases of motorists going directly to the media.

When a report of falling concrete is received, MDOT staff follows a developed emergency response protocol that includes the following steps:

- 1) MDOT immediately dispatches a trained bridge inspector and maintenance personnel to investigate the incident and review the bridge. They are on 24-7 emergency call for these responses, and will go directly to the scene of the reported incident to investigate;
- 2) If the police were contacted or a report was filed, we will discuss the incident with them, and gather any additional information about the incident from them. If possible, we try to obtain the piece of fallen concrete so we can match it up to any missing concrete on the bridge in question;
- 3) The bridge inspector and maintenance staff will evaluate the bridge condition and determine if any remedial action is needed to ensure the safety of the public;
- 4) The incident is communicated to MDOT management in the region and central office and the Office of Communications is notified, so as to be able to handle public information and media inquiries;
- 5) The incident is logged by maintenance personnel for record keeping and to allow for follow-up on any subsequent damage claims;
- 6) If there is damage to a vehicle, we will provide a Damage Claim Application to the driver (we will pay these claims if we can substantiate that the damage was caused by concrete falling from the bridge); we call in the Attorney General investigator for further review, so as to collect sufficient data in case MDOT and the State are later sued by any parties.

In order to ensure the public safety, we have started a comprehensive bridge review along certain corridors within the Metro Region. While all bridges are inspected at least every

2 years per federal guidelines to rate the overall condition of the bridges, these additional reviews include sounding (tapping the concrete), scaling (removing any loose concrete) if necessary, and placement of false decking (plywood sheet between the beams to catch future concrete that may become loose).

The corridors selected have not received this sort of bridge review and treatment in recent years. Other corridors have been reviewed in the past several years, including portions of M-10, I-75 and I-94, and were deemed not as critical for further review now.

The work is being accomplished with three crews. One is made up of MDOT Metro Region maintenance staff; the second of MDOT staff from Metro, University, Bay and Southwest regions; and the third of a crew from Wayne County Department of Public Services, under contract with MDOT.

To date, for the sounding and scaling, we have spent about \$530,000 total (\$260,000 with state forces and \$270,000 with Wayne County). For the rest of the work, we expect to spend another \$1,120,000 (\$540,000 with state forces and \$580,000 with Wayne County). The total expected cost for the operations is roughly \$1,650,000.

Through the weekend of April 22nd, we're a little more than one-third of the way done. The operation began the last week of March and will continue through June 17th if all goes according to plan. We did have an incident last Sunday morning when a motorist ran into the back of our crew working on I-275, which resulted in having to suspend operations for the day.

Chair Wahby asked what the mixture was that caused some of the scaling.

Director Steudle answered that there was a report in the paper that talked about an "experimental mix" in 1973. Frankly, the newspaper has their facts wrong. The assertion was made that the material used in 1973 was improper material designed only to be used in buildings. The material that is used in buildings is not the same type of material that was used in 1973.

Commissioner Rosendall asked what happened with the inspection at the Ambassador Bridge new entrance-way that the Commissioners were supposed to be involved in last summer.

Director Steudle answered that there have been follow-up meetings since then with the FHWA. There have been a team of MDOT and Federal Highway engineers that have met with the bridge company through their whole inspection process. It is believed that they are satisfied with the final results of the bridge company's action plans to address any deficiencies that they had. One major question at the time was the condition of the main cables. The results of the testing now show that the main cables are fine.

Commissioner Rosendall stated that, as part of that same deal, we were supposed to have on-going opportunities to either inspect or to review their reports.

Director Steudle deferred to Susan Mortel and John Friend for specifics as to whether or not we get access to the inspection reports.

Mr. Friend said that that was his understanding.

Mr. Isom interjected that there is a requirement that they do an inspection and then provide the report to MDOT.

No other questions were forthcoming.

IV. **OVERSIGHT**

Commission Agreements (Exhibit A) – Myron Frierson

Mr. Frierson stated that information on 54 agreements has been given for review. Pending any questions, Mr. Frierson asked for approval of Exhibit A.

No questions were forthcoming.

Chair Wahby entertained a motion. Motion was made by Commissioner Atkinson and supported by Commissioner Rosendall to approve Exhibit A. Motion carried on a unanimous voice vote.

Commission Agreements (Exhibit A-Supplemental – Myron Frierson

Mr. Frierson stated that information on 1 agreement has been given for review, and pending any questions he asked for approval of Exhibit A-Supplemental.

Commissioner Rosendall asked, if this is a funding participation agreement with the Cass County Road Commission, why they aren't putting anything in.

Mr. Frierson responded that we have had Jobs Today Grants, but this is indicating trunkline work. It appears we are partnering with this local agency. However, he can find out and provide the information to the Commission.

Director Steudle asked if this could be work we are doing on US-12 that involves work on an approach road to it.

Mr. Frierson answered that it could. The item indicates that it's a local letting.

Chair Wahby stated that it's just the way it reads.

Mr. Frierson responded that the standard format document that we use for local agency contracts, in some cases, don't have "local participation" in it, but it stipulates the requirements for the local agency. There also may be federal aid or other conditions.

Director Steudle asked Mr. Frierson to make a call to see if we can provide the information toward the end of the meeting.

Commissioner Scalici asked for more of a description on the work being done rather than just “road improvement and restoration work...”.

Mr. Frierson responded that the department would provide the information.

Action on this exhibit was tabled pending more information.

No other questions were forthcoming.

Bid Letting Pre-Approvals (Exhibit A-1) – Myron Frierson

Mr. Frierson gave a brief re-cap of the April 2007 bid letting activities: 28 State projects with total engineers’ estimates of \$32.0 million were let. The low bids announced on these projects totaled \$31.6 million. The average low bid of all 28 State projects was \$1.1 million. There are three State projects that are classified as TBA, with low bids totaling \$2.4 million. All bids were rejected on one State project with the engineers’ estimate of \$1.4 million. Of the eight projects let that had warranties, seven were State projects with low bids of \$19.4 million. Electronic proposals were provided for 26 of the State projects let. In April 2006, 20 State projects were let with low bids totaling \$49.8 million, an average of \$2.5 million. The State low bids for year to date FY 2007 totaled \$621.5 million compared to \$584.4 million for the same period in FY 2006.

As of October 23, 2006, it was estimated that 407 State projects with construction costs totaling \$905.8 million would be let during the 2007 fiscal year. Through April of this year, 300 State projects with engineers’ estimates of \$634.5 million were let, representing 70.1% of the total amount projected to be let this fiscal year. In comparison, through April 2006, 324 projects with total engineers’ estimates of \$613.8 million were let, representing 55.5% of the FY 2006 projection. The department’s letting schedule is proceeding as planned. Through April 2007, 103.2% of the construction cost estimate of projects scheduled for the first seven months of the year was let. In comparison through April 2006, 94.9% of the construction cost estimate of projects scheduled for the first seven months of the year was let.

The total number of bids submitted for this letting was 462, of which 132 were submitted for State projects. There was an average of 5.4 bids submitted for each project that was let, and an average of 4.7 bids for each State project. Of the 438 contractors eligible to submit bids, 167, or 38.1%, submitted bids for this letting.

In addition to the State projects let, eleven of the Local program area items let included projects in the Jobs Today, Jobs Tomorrow program.

There are 19 State projects with engineers’ estimates totaling \$62.0 million scheduled to be let on May 4, 2007. Nine of these items have warranties. Of all the items scheduled to be let, twenty two include work in the Jobs Today, Jobs Tomorrow program.

Pending any questions, Mr. Frierson asked for approval of Exhibit A-1.

Commissioner Rosendall asked if it were possible to indicate the name of the engineer for

any particular project, just as they do later for one that has been let.

Mr. Frierson responded that we will determine what is needed to add this information and make the appropriate revisions in the project description summary.

Commissioner Rosendall then asked, regarding #7 (Proposal 0705062—remove existing towers, install new galvanized steel towers, ..., in the cities of Grand Rapids, Walker and Wyoming, Kent County), what is wrong with the towers; he drives by them everyday.

Director Steudle indicated that this was an area where light towers fell down two years ago. In general terms, these would life-cycle situations.

No other questions were forthcoming.

Chair Wahby entertained a motion. Motion was made by Commissioner Scalici and supported by Commissioner Rosendall to approve the April bid letting. Motion carried on a unanimous voice vote.

Letting Exceptions Agenda (Exhibit A-2) – John Polasek

Mr. Polasek informed the Commission that one Local project, Item #3, Proposal 0704013 (0.30 mi of intersection reconstruction consisting of hot mix asphalt removal ... in the city of Ann Arbor, Washtenaw County), is withdrawn.

Mr. Polasek then reported on 3 remaining projects (2 State, 1 Local) that were at least 10% over/under the engineers' estimates which are accompanied by justification memos. Pending any questions, Mr. Polasek asked for approval of Exhibit A-2.

No questions were forthcoming.

Chair Wahby entertained a motion. Motion was made by Commissioner Atkinson and supported by Commissioner Scalici to approve Exhibit A-2 with Item #3 withdrawn. Motion carried on a unanimous voice vote.

Contract Adjustments (Exhibit B) – John Friend

Mr. Friend has 5 MDOT projects and 1 Local Agency project before the Commission.

Mr. Friend expanded on Item #2007-61 (Superstructure and deck replacements, abutment and substructure repairs ... in the city of Detroit, Wayne County) as to why the cost, over-all, is up. Two issues arose: 1) this was a very historical interchange and they were asked to save as much of foundation as they could. When the engineers began the repairs, the pier columns started to fall apart so substantially more correction was called for; 2) a design error occurred with the beams so the cost of the consultant and the design error had to be covered.

Pending any questions, Mr. Friend asked for approval of Exhibit B.

Commissioner Rosendall asked, regarding Item #2007-67 (1.17 miles of road rehabilitation including concrete curb and gutter ... in the City of Flint, Genesee County)

if the cause of this is due to engineering issues and them not taking into account the Americans with Disabilities Act (ADA)—wouldn't this be their responsibility.

Mr. Friend answered that the philosophy was that as you develop your program over the long-term you were responsible for making corrections to be ADA compliant. Some has turned out to be project specific, and regarding this project he would have to talk to the local agency.

Commissioner Rosendall then asked if this is something that we would be doing from here on out so as to not run into this issue again.

Mr. Friend answered yes. There are a number of cities in Michigan having to go back and quite aggressively modify their program to become ADA compliant.

Director Steudle added that one of the particular issues is that even if you had put in a sidewalk ramp at the intersections, some of those slopes in transition were not put in correct, even if they were put in within the last five years—thinking they were in compliance with the ADA regulations—it turns out that the grades of slopes violated some of the slope restrictions.

Mr. Friend also added that it's a subject to be considered right now within our Capital Preventive Maintenance program.

Mr. Polasek added that there was a committee set up to increase the sensitivity to our construction folks and designers. That was the reaction to some of the feedback we got. We also looked at our standards; there are no tolerances in standards. If it's one-eighth of an inch off it's seen as not being in compliance.

Commissioner Rosendall asked if we were within 2% on the extras/overruns, overall, on all the projects last year.

Mr. Friend answered that for the calendar year we had real good numbers.

Commissioner Rosendall asked where we were at for this year so far.

Mr. Friend answered that we were within 1% in terms of original contract costs versus final contract costs.

No other questions were forthcoming.

Chair Wahby entertained a motion. Motion was made by Commissioner Scalici and supported by Commissioner Rosendall to approve Exhibit B. Motion carried on a unanimous voice vote.

VI. **PRESENTATIONS**

Update on Material Indexing – John Friend

Mr. Friend updated the Commission on the Departments' search for information related to material indexing in preparation for the May workshop. We have mailed out most of

the information that the Commission has asked for. Tom Fudaly of FHWA will do the presentation on the national survey results during the May workshop.

Some information left to be provided is: 1) remaining information from asphalt suppliers who have promised to respond by May 1st; 2) estimation of the administrative costs associated with the use of indexing.

It is anticipated that the May workshop will be an open meeting format. Associations have inquired about the indexing materials submitted in the April packets being available through FOIA—this information will be provided to them.

Mr. Friend asked for questions; none were forthcoming at this time.

Commission Agreements (Exhibit A-Supplemental – Myron Frierson (continued))

Mr. Tibbits announced that this is a state highway project. This cost is an agreement with the local agency for us to spend money on the detour route of the local agencies. We would take a look at the traffic control and put in a detour to accelerate construction. If the cost of doing some work on that roadway is far cheaper than trying to keep all the work contained on the state highway, we will make that decision.

No questions were forthcoming.

Chair Wahby entertained a motion. Motion was made by Commissioner Rosendall and supported by Commissioner Atkinson to approve Exhibit A-Supplemental. Motion carried on a unanimous voice vote.

VII. PUBLIC COMMENTS

Chair Wahby asked if any member of the audience wanted to address the Commission; none were forthcoming.

Chair Wahby asked if any Commissioner wanted to address the Commission; none were forthcoming.

ADJOURNMENT

There being no further business to come before the Commission, Chair Wahby declared the meeting adjourned at 9:45 a.m.

The next full meeting of the Michigan State Transportation Commission will be held on May 31, 2007, in the 1st floor Bureau of Aeronautics Auditorium in Lansing, Michigan, beginning at the hour of 9:00 a.m.